

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 165**

FINAL READING

Introduced by Kristensen, 37; Beutler, 28; Bromm, 23

Read first time January 4, 2001

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Telemarketing and Prize Promotions Act;  
2 to amend sections 86-2001 and 86-2008, Reissue Revised  
3 Statutes of Nebraska; to prohibit certain acts by  
4 solicitors, sponsors, or sellers; to provide a civil  
5 penalty; to harmonize provisions; and to repeal the  
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 86-2001, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           86-2001. Sections 86-2001 to 86-2013 and section 3 of  
4 this act shall be known and may be cited as the Telemarketing and  
5 Prize Promotions Act.

6           Sec. 2. Section 86-2008, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           86-2008. A solicitor, sponsor, or seller may not do any  
9 of the following:

10           (1) Misrepresent the source of any written prize notice;

11           (2) Represent directly or by implication that the number  
12 of individuals eligible for the prize is limited or that an  
13 individual has won or will receive a particular prize unless that  
14 representation is true; ~~or~~

15           (3) Misrepresent the value of a prize; or

16           (4) Request or accept any payment, or create an  
17 impression that any payment is required, from an individual prior  
18 to the receipt of a written prize notice by such individual if the  
19 solicitor, sponsor, or seller represents to such individual that he  
20 or she has won or will receive a prize. A written prize notice  
21 under this subdivision shall contain all the information required  
22 in section 86-2007.

23           Sec. 3. Any person who violates the Telemarketing and  
24 Prize Promotions Act shall be subject to a civil penalty of not  
25 more than two thousand dollars for each violation. The Attorney  
26 General, acting in the name of the state, may seek recovery of such  
27 civil penalties in a civil action.

28           Sec. 4. Original sections 86-2001 and 86-2008, Reissue

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- 1 Revised Statutes of Nebraska, are repealed.